

## **PRE-CONSTRUCTION CONFERENCE**

### **Introduction:**

Construction projects exceeding \$2,000, either partially or wholly funded with Federal Community Development Block Grant (CDBG) funds are subject to Davis Bacon Wage Act requirements and as a result the Federal Labor Standards Provisions must be included in the contract.

Federal Labor Standards Provisions apply to salary and wage rates, fringe benefits, hours of work, “kickbacks”, classification of labor, qualifications for employment, overtime compensation, health and safety measures, equal employment opportunity and other related matters.

Also, the Contractor/Subcontractor is required to comply with Equal Opportunity, Section 3.

As recipient of CDBG Grant funds, the City of Wichita’s Grants Coordination Division has the responsibility to administer and enforce the labor standard provisions for all applicable construction programs.

### **PURPOSE**

The purpose of the pre-construction conference is to briefly review and hopefully answer all questions relating to the labor standards provisions in order to ensure no confusion exists relative to the responsibilities of the contractor/subcontractor (s) prior to the start of construction.

### **FEDERAL LABOR PROVISIONS**

Davis Bacon Wage Act requires the contractor and subcontractors to pay all of the employees working on this project no less than the wage rates listed in the wage decision **HUD WAGE DETERMINATION** which was included in your bid specifications.

Payrolls must be submitted weekly and employees working over 40 hours in a pay period on this project must be paid overtime not less than one and one half (1 1/2) times his basic rate of pay for all hours worked in excess of forty (40) hours in a week. Information contained on your payroll is subject to verification through employee interviews.

In the event of a violation, the contractor/subcontractor(s) shall be liable to any affected employee for his unpaid wages as well as to the United States for liquidated damages.

The contractor and all of it’s subcontractor’s need to review the wage determination that applies to this project and if there is a work classification that will be performed that is not listed in the wage determination that contractor/subcontractor needs to contact Grants Administration immediately (268-4367).

A copy of the applicable wage decision shall be posted by the contractor at the site of the work in a prominent place readily accessible to the workmen for the duration of the project.

## **SDBE & WOBE:**

Additionally, City of Wichita encourages Small Disadvantaged Business Enterprises (SDBE) and Women Owned Business Enterprise (WOBE) to participate on each construction project funded with CDBG funds.

**The prime contractor will provide a copy of all contracts or purchase order made with any and all SDBE/WOBE businesses, to the City for reporting purposes.**

Only bonafide SDBE/WOBE's on the State's certified SDBE/WOBE list may be accepted for participation as contractors or suppliers. The prime contractor should verify the SDBE/WOBE used is certified, by calling Shirley Mast, Department of Finance, (12th Floor) at 268-4508.

## **EEO/AA**

You and your subcontractors must also be approved as an Equal Employment Opportunity/ Affirmative Action employer in order to do business with the City. Compliance information can be obtained from Shirley Mast, Department Finance (12th Floor) at 268-4508. **Contractors/Subcontractors must be approved prior to beginning construction.**

**SECTION 3 REQUIREMENTS** (If applicable, applies to projects exceeding \$100,000 and contractor/subcontractor contracts exceeding \$100,000).

Section 3 of the Housing and Urban Development Act of 1968, as amended, requires that, to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area (Wichita) and contracts for work on the project be awarded to eligible business concerns which are located in, or owned in substantial part, by persons residing in the area of the project (Wichita). This requirement of Section 3 does not set aside or supersede the requirements of State law relative to bidding where such are applicable.

## **BEFORE CONSTRUCTION BEGINS**

1. Ensure Contractor/Subcontractor(s) are EEO/AA approved and SDBE/WOBE is certified by the State of Kansas.
2. Notify Grants Administration (268-4367) of construction start date.
3. If apprentices are being used, contractor/subcontractor requested and received certification of apprentice program from a registered apprentice program, which has been registered with the DOL, Bureau of Apprenticeship and Training (BAT) or with a BAT-recognized State Apprenticeship Agency (SAC).
4. The following forms must be submitted:
  - a. *Contractor/Subcontractor's Certification (prime contractor and all subcontractors)*
  - b. *Certification Regarding Lobbying*
  - c. *Contractor/Subcontractor Acknowledgment (prime contractor and all subcontractors)*
5. **Contractors/Subcontractors must ensure that, for all work being performed on this project, there is a proper work classification listed in the wage determination that applies to this project.** If not, Grants Coordination must be contacted immediately at 268-4367.



# Federal Labor Standards Provisions

## U.S. Department of Housing And Urban Development

### Applicability

The Project or Program to which the construction work covered by this contract pertains is being assisted by the United States of America and the following Federal Labor Standards Provisions are included in this Contract pursuant to the provisions applicable to such Federal assistance.

**A. 1. (I) Minimum Wages.** All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv); also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR Part 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under 29 CFR Part 5.5(a)(1)(ii) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii) (a) Any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. HUD shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met.

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(b) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and HUD or its designee agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by HUD or its designee to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215-0140).

(c) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and HUD or its designee do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate).

sentative, will issue a determination within 30 days of receipt and so advise

HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

(d) The wage rate (including fringe benefits where appropriate) determined pursuant to subparagraphs (1)(b) or (c) of this paragraph, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program. (Approved by the Office of Management of Budget under OMB Control Number 1215-0140.)

**2. Withholding.** HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract of any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees and helpers employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner take such action as may be necessary to cause the suspension of any further payment advance or guarantee of funds until such violations have ceased. HUD or its designee may, after written notice to the contractor dis-burse such amounts withheld for and on account of the contractor or sub-contractor to the respective employees to whom they are due. The Comptroller General shall make such disbursements in the case of direct Davis-Bacon Act contracts.

**3. (I) Payrolls and basic records.** Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof the types described in Section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5 (a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been

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HUD or its designee shall refer the questions, including the views of all interested parties and the recommendation of HUD or its designee, to the Administrator for determination. The Administrator, or an authorized repre-

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(HB 1344.1)

communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated and the actual cost incurred in providing

such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs. (Approved by the Office of Management and Budget under OMB Control Numbers 1215-0140 and 1215-0017.)

(ii) (a) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to HUD or its designee. The payrolls submitted shall set out accurately and completely all the information required to be maintained under 29 CFR Part 5.5(a)(3)(i). This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal Stock Number 029-005-00014-1), U.S. Government Printing Office, Washington, DC 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. (Approved by the Office of Management and Budget under OMB Control Number 1215-0149.)

(b) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be maintained under 29 CFR Part 5.5 (a)(3)(i) and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned without rebate either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned other than permissible deductions as set forth in 29 CFR Part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed as specified in the applicable wage determination incorporated in the contract.

(c) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph A.3.(ii)(b) of this section.

(iii) The contractor or subcontractor shall make the records required under paragraph A.3.(i) of this section available for inspection, copying, or transcription by authorized representatives of HUD or its designee or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, HUD or its designee may after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR Part 5.12.

**4. (I) Apprentices and Trainees. Apprentices.** Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rate (expressed in percentages of the journeyman's hourly rate specified in the registered program for the apprentice's level of

progress expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Bureau of Apprenticeship and Training, or a State Apprenticeship Agency recognized by the Bureau withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

**(ii) Trainees.** Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In addition, any trainee performing work on the job site not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

**(iii) Equal employment opportunity.** The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

**5. Compliance with Copeland Act requirements.** The contractor shall comply with the requirements of 29 CFR Part 3 which are incorporated by reference in this contract.

**6. Subcontracts.** The contractor or subcontractor will insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as HUD or its designee may by appropriate instructions require and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR Part 5.5.

**7. Contract termination; debarment.** A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

**8. Compliance with Davis-Bacon and Related Act Requirements.** All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1.3 and 5 are herein incorporated by reference in this contract.

**9. Disputes concerning labor standards.** Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and HUD or its designee, the U.S. Department of Labor, or the employees or their representatives.

**10. (i) Certification of Eligibility.** By entering into this contract the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24. HUD-4010 (2-84)

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 4.12(a)(1) or to be awarded HUD contract or participate in HUD programs pursuant to 24 CFR Part 24.

(iii) The penalty for making false statements is prescribed in the U.S.

Criminal Code 18 U.S.C. 1001. Additionally, U.S. Criminal Code Section 1010, Title 18 U.S.C. "Federal Housing Administration transactions" provides in part "Whoever, for the purpose of... influencing in any way the action of such Administration...makes, utters or publishes any statement knowing the same to be false...shall be fined not more than \$5,000 or imprisoned not more than two years or both."

**(11). Complaints, Proceedings, or Testimony by Employees. No laborer or mechanic** to whom the wage, salary, or other labor standards provisions of this Contract are applicable shall be discharged or in any other manner discriminated against by the Contractor or any subcontractor because such employee has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify in any proceeding under or relating to the labor standards applicable under this Contract to his employer.

**B Contract Work Hours and Safety Standards Act.** As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

**(2) Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages.

Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

**(3) Withholding for unpaid wages and liquidated damages.** HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contract or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act which is held by the same prime contractor such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2) of this paragraph.

**(4) Subcontracts.** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in subparagraph (1) through (4) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs (1) through (4) of this paragraph.

#### **C. Health and Safety**

(1) No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor by regulation.

(2) The Contractor shall comply with all regulations issued by the Secretary of Labor pursuant to Title 29 Part 1926 (formerly part 1518) and failure to comply may result in imposition of sanctions pursuant to the Contract Work Hours and Safety Standards Act (Public Law 91-54. 83 Stat 96).

(3) The Contractor shall include the provisions of this Article in every subcontract so that such provisions will be binding on each subcontractor. The Contractor shall take such action with respect to any subcontracts as the Secretary of Housing and Urban Development or the Secretary of Labor shall direct as a means of enforcing such provisions.

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INSERT HUD WAGE DETERMINATION HERE

To Employees of: \_\_\_\_\_  
(Company Name)

Working on: **Project Name**

This project is funded with federal funds provided to the City of Wichita. As such, certain federal requirements apply. There is a federal wage decision No. **HUD WAGE DETERMINATION** that applies to this project and you are to be paid no less than the rate indicated for the particular job you do on the project.

Your employer is obligated to inform you of your work classification and duties on this job. It is permissible to work in more than one job classification on this job and you are to be paid the highest rate applicable to any one day unless separate time records are kept showing the time worked and pay rate in each classification, and such records are reflected in preparing the payroll. This does not include incidental work in other classifications. It does, however, mean that if you are classified and paid as a laborer for example, and you drive a truck, finish concrete or operate power equipment, you are to be paid the wage rate applicable to that classification.

Additionally, you are entitled to time and a half pay over 40 hours a week on this job alone. No deduction may be made from your pay except those authorized by law, or approved by you.

Your employer submits weekly payrolls to this office and you may be contacted/interviewed to verify the payroll information. Such information is confidential and can only be released in very specific circumstances. You are urged to retain payroll slips or stubs that can be examined in case questions arise regarding wages and hours worked on this job.

If you have any questions at all about wages on this job, you should contact Grants Coordination, Controller's Office - CDBG, City of Wichita, 12th Floor, City Hall, 455 N. Main, (316) 268-4367.

Grants Coordinator

# PRECONSTRUCTION CHECKLIST FOR CONTRACTORS: MEETING LABOR STANDARDS CONTRACT REQUIREMENTS

- I. INTRODUCTION. The following checklist has been prepared to assist contractors and subcontractors in meeting contractual labor standards responsibilities. All major administrative and procedural activities have been covered in the sequence they will occur as the construction project proceeds. Careful attention to and use of the checklist should result in a minimum of problems with respect to labor standards.
- II. EXPLANATORY NOTES. The word “employer” as used below refers to the project contractor, each subcontractor, or each lower-tiered subcontractor. Payrolls and other documentary evidence of compliance (Marked with (asterisk)) are required to be sent to the recipient for review (all to be submitted through the project contractor). The delivery procedure is as follows:
- A. Each lower-tier subcontractor, after careful review, submits required documents to the respective subcontractor.
  - B. Each subcontractor, after checking his own and those of each lower-tier subcontractor he may have, submits required documents to the contractor.
  - C. The contractor, after reviewing all payrolls and other documentation, including his own, and correcting violations where necessary, submits all the recipient.

All employers should check each of the following statements as being true. If any statement is not true, the contractor or his representative should contact the recipient for special guidance.

III. BEFORE CONSTRUCTION BEGINS EACH EMPLOYER HAS:

- ☐ A. Not been debarred or otherwise made ineligible to participate in any federal or federally-assisted project.
- ☐ B. Received appropriate contract provisions covering labor standards requirements.
- ☐ C. Reviewed and understands all labor standards contract provisions.
- ☐ D. Received the wage decision as part of the contract.
- ☐ E. Requested through the recipient and received the minimum wage for each classification to be worked on the project which was not included on the wage decision by the additional classification process and before allowing any such trade(s) to work on the project.
- ☐ F. Requested and received certification of his apprentice program from the State’s Bureau of Apprenticeship and Training (recognized by USBAT) and submitted copy thereof to the recipient prior to employment on the project. Likewise, “trainee” applicable, must be submitted.

IV. AT CONSTRUCTION START THE CONTRACTOR HAS:

- ☐ A. Notified recipient of construction start date in writing.
- ☐ B. Has placed each of the following on a bulletin board prominently located on the project site which can be seen easily by the workers ( and replaced if lost or unreadable any time during construction):
  - Wage Decision
  - Notice to Employees (WH 1321)
  - Safety and Health Protection on the Job (DOL)
- ☐ C. Before assigning each project worker to work, has obtained worker’s name, best mailing address, and Social Security Number (for payroll purposes).



- \_\_\_ D. Has obtained a copy of each apprentice's certificate with the apprentice's registration number and his year of apprenticeship from the State BAT.
- \_\_\_ E. Has informed each worker of:
  - \_\_\_ 1. His work classification (journeyman or job title) as it will appear on the payroll.
  - \_\_\_ 2. His duties of work.
  - \_\_\_ 3. The U.S. Department of Labor's requirement on this project that he is either a journeyman, apprentice, or laborer -
    - \_\_\_ If journeyman, he is to be paid journeyman's minimum wage rate or more;
    - \_\_\_ If apprentice, he is to be paid not less than the apprentice's rate for the trade based on his year of apprenticeship; or
    - \_\_\_ If laborer, he is to do laborer's work only - not use any tool or tools of the trade - and not perform any part of a journeyman's work - and is to be paid the laborer's minimum wage rate or more.
- \_\_\_ F. Understands the requirements that each laborer or mechanic who performs work on the project in more than one classification within the same work week shall be classified and paid at the highest wage rate applicable to any of the work which he performs unless the following requirements are met:
  - \_\_\_ 1. Accurate daily time records shall be maintained. These records must show the time worked in each classification and the rate of pay for each classification, and must be signed by the workman.
  - \_\_\_ 2. The payroll shall show the hours worked in each classification and the wage rate paid for each classification.
  - \_\_\_ 3. The payroll shall be signed by the workmen or a signed copy of the daily time record shall be attached thereto.
- \_\_\_ G. Has informed each worker of his hourly wages (not less than the minimum wage rate for his work which is stated in the Wage Decision).
  - \_\_\_ 1. Time and a half for all work over 40 hours any work week (see Contract Work Hours Safety Standards Act).
  - \_\_\_ 2. Fringe benefits, if any (see Wage Decision for any required) Note: Fringe benefits that also include a percentage (example \$1.10 + 3%) means you have to add 3% times the base rate to the fringe amount to get the total fringe benefit.
  - \_\_\_ 3. Deductions from his pay.
- \_\_\_ H. Has informed each worker that he is subject to being interviewed on the job by the recipient or a HUD, Department of Labor, or other U.S. Government Inspector, to confirm that his employer is complying with all labor requirements.
- \_\_\_ I. Has informed each journeyman and each apprentice that a journeyman must be on the job at all times when an apprentice is working.

V. DURING CONSTRUCTION

- \_\_\_ A. Each employer:
  - \_\_\_ 1. Has not selected, assigned, paid different pay rates to, transferred, upgraded, demoted, laid off, nor dismissed any project worker because of race, color, religion, sex, or national origin.
  - \_\_\_ 2. Has employed all registered apprentices referred to him through normal channels up to the applicable ratio of apprentices to journeyman in each trade used by the employer.
  - \_\_\_ 3. Will maintain basic employment records accessible to inspection by the recipient or U.S. Government representatives.
  - \_\_\_ 4. Is complying with all health and safety standards.
  - \_\_\_ 5. Has paid all workers weekly.

- \_\_\_ 6. Has submitted weekly payrolls.  
 \_\_\_ a. Prepared on recommended Form WH-347:  
 Available from:

Superintendent of Documents  
 Government Printing Office  
 Washington, D.C. 20402

Contractors who wish to purchase the forms shall be urged to enter their orders promptly because the Superintendent of Documents takes six weeks to fill orders. It is permissible for contractors to reproduce the forms if the wish.

Some employers place all project workers on Payroll Form WH-347. The recipient does not review those project workers listed on the payroll who perform work which is descriptive of any of the following job titles from labor requirements:

Project superintendent  
 Project engineer  
 Supervisory foreman (less than 20% of time as a working foreman)  
 Messenger  
 Clerical workers  
 Timekeepers  
 Payroll clerks  
 Bookkeepers

Any alternate payroll form used should be cleared with HUD before employer starts work on the project. A project payroll printout by computer, for example, is acceptable provided all data shown and required on the front and back of Payroll Form WH-347 is on, or included with the payroll submitted to recipient.

- \_\_\_ b. Front Page of Payroll (Form WH-347)

Heading (6 blocks of information)

- \_\_\_ 1. Name of Employer. Name of employer is stated, showing whether contractor or subcontractor.  
 \_\_\_ 2. Address. Street address or P.O. Box, City, State, and Zip Code of Employer is stated.  
 \_\_\_ 3. Payroll Number. Each weekly payroll is numbered in sequential order (starting with Payroll No. "1").  
 \_\_\_ If employer's workers perform no physical work on the project during work week, he has to submit a "No Work" letter for that work week or submit a blank payroll, numbered in sequence, with the information at the top filled out..i.e. name & address of contractor, payroll number, for week ending, project and location and project or contract number.  
 \_\_\_ Payroll of employer's final work week on the project (completion of his work) is marked "Final".  
 \_\_\_ 4. For Week Ending. The last date of the work week is stated in this "block".  
 \_\_\_ 5. Project and Location. Name of project and city in which located is stated.  
 \_\_\_ 6. Column 1 - Worker's Name, as it appears on his paycheck, is stated.

Worker's best mailing address and social security number is stated on Payroll number 1 or the payroll on which his name first appears.

If worker changes his residential address while working on the project, his new address is stated on the next applicable payroll.

If any two or more workers have the same name, their social security numbers are included on the payroll to note separate identification.

7. Column 2 - No. of Withholding Exemptions is for employer's convenience - not required by HUD to be completed.
8. Column 3 - The Work Classification (job title) for the worker is included in the Wage Decision and denoted the work that worker actually performed.

Note: If the applicable classification is not included in the Wage Decision, the contractor should call the recipient immediately, and request classification by Additional Classification.

Apprentice. If worker is an apprentice, his State BAT registration number and year of apprenticeship is included in this column the first time the apprentice's name appears on the payroll.

Split Classification. If worker has performed more than one class of work during the work week, such as carpenter and laborer, the division of work will be shown on separate lines of the payroll.

Accurate daily time records show the exact hours of work performed daily in each class of work, and are signed by the by the affected workman.

Each class of work he performed is stated in Column 3 in separate "blocks".

His name is repeated in corresponding "blocks" in Column 1.

His name is repeated in corresponding "blocks" in Column 1.

The breakdown of hours worked daily under each work classification is stated in Column 4, and total for week in Column 5.

The applicable wage rate for each classification of work is stated in Column 6.

The payroll is signed by the workman in the related "blocks" or a signed copy of the daily time records are attached to the payroll.

If the above is not done, the worker is paid at least the highest minimum wage rate of all of the classes of work performed for all hours worked.

Notes:

Average Pay of Two Classes of Work Not Accepted. The employer shall not pay a "semi-journeyman" or semi-skilled laborer the average of journeyman's and laborer's rates. The actual hours each worker uses tools of trade (journeyman) and each hour he does not use tools of the trade (laborer) must be recorded in separate "blocks" in Column 3 of the payroll.

Helper. The work classification of "helper" is not accepted by the Department of HUD, unless included in the Wage Decision issued by the Secretary of Labor for the project. Any employee listed as "helper" in absence of such classification in Wage Decision must be paid the journeyman's rage for hours he uses tools of the trade.

9. Column 4 - Hours Worked, Each Day and Date for work week are stated.  
Overtime Hours ("O"), if any are stated separately from straight hours ("S") for over 40 hours in any work week.
10. Column 5 - Total Hours worked during the work week are stated (the sum of subcolumns in Column 4) - straight and overtime hours recorded separately.
11. Column 6 - Rate of Pay, not less than the (see Wage Decision) is stated.  
The Overtime Rate of Pay is not less than 1 ½ times the worker's basic straight hourly rate of pay (see Contract Work Hours Safety Standards Act).  
Apprentices. If a copy of the apprentice's registration certificate from the State BAT has not been submitted to recipient by employer (through contractor), apprentice must be paid journeyman's rate.

- \_\_\_\_ Piece Worker. Piece work must be stated in Column 6 at an hourly rate, the gross pay divided by the total number of hours worked on the project during the work week.
- \_\_\_\_ 12. Column 7 - Gross Amount Earned equals straight hours shown in Column 5 times straight rate of pay shown in Column 6, plus overtime hours (if any) shown in Column 5 times overtime rate of pay shown in Column 6.
- \_\_\_\_ 13. Column 8 - Deductions. Each deduction made is required by law,  
\_\_\_\_ Voluntarily authorized by the worker in writing before the work week began, or,  
\_\_\_\_ Provided in a bargaining agreement to be deducted from the respective worker's pay.
- \_\_\_\_ 14. Column 9 - Net Wages stated are Column 7 minus total deductions shown in Column 8.
- \_\_\_\_ c. Back of Payroll (Form WH347)
- \_\_\_\_ 1. Each employer has:
- \_\_\_\_ Completed all blank spaces and understands the penalties for falsification.
- \_\_\_\_ Checked Item 4 if fringe benefits are included in the Wage Decision for any of his workers -
- \_\_\_\_ 4 (a) if fringe benefits are paid to approved fund(s), or
- \_\_\_\_ 4 (b) paid directly to each affected worker (paid in cash) - included in paycheck for the work week - his paycheck representing at least the pay of the applicable minimum wage rate plus the amount of required fringe benefits.
- \_\_\_\_ Manually signed the payroll in the block marked signature, and stated his title.
- \_\_\_\_ The person who signed the payroll is the employer or an official of the employer who legally is authorized to act for the employer.
- \_\_\_\_ d. Weekly Payroll Review. Each employer has promptly:
- \_\_\_\_ Reviewed the weekly payroll for compliance with all labor requirements (using this checklist) and made necessary corrections.
- \_\_\_\_ Each lower-tier subcontractor has submitted his weekly payroll or "no work" letter to the respective subcontractor for the subcontractor to have received within 3 calendar days from the last date of the work week. Each Subcontractor has received a payroll or "no work" letter from each of his lower-tier subcontractors, reviewed each and his own payroll, required necessary corrections, and submitted all of such payrolls to the contractor to have received within 5 calendar days from the last date of the work week.
- \_\_\_\_ Contractor has received a payroll or "no work" letter from each subcontractor and each lower-tier subcontractor, monitored each including his own payroll, required necessary corrections, and collectively submitted them to the recipient within 7 work days of the last date of the respective work week.

## VI. AFTER PROJECT COMPLETION

- \_\_\_\_ Each employer will keep all weekly payrolls on the project for 3 years after the project completions date.

## TITLE 24--HOUSING AND URBAN DEVELOPMENT

### CHAPTER I--OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### PART 135--ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS--Table of Contents

##### Subpart B--Economic Opportunities for Section 3 Residents and Section 3 Business Concerns

###### Sec. 135.38 Section 3 clause.

All section 3 covered contracts shall include the following clause (referred to as the section 3 clause):

A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

## Section 3 Compliance - Instructions

***Section 3 Compliance is a Federal requirement and final payment cannot be made until pages 1 and 2 of attached “Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects”, [HUD form 60002 (4/98)] have been completed and submitted to Grants Coordination, City Hall, 12th floor, 455 N. Main, Wichita, KS 67202 (268-4367).***

1. Section 3 applies to all housing rehabilitation, housing construction and other public construction contracts in excess of \$100,000.
2. Section 3 resident means:
  - a. a public housing resident; or
  - b. an individual who resides in the metropolitan area in which the section 3 assistance is expended (City of Wichita) who is:
    - i. low income (80% of median income).
    - ii. very low income (50% of median income).
    - iii. 30% of median income
3. Section 3 business concern means a business concern:
  - a. that 51 percent or more of the business is owned by section 3 residents; or
  - b. whose permanent, full time employees include persons, at least 30 percent of whom are currently section 3 residents, or within three years of the date of first employment with the business concern were section 3 residents; or
  - c. that provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications of a section 3 business concern (a. and b. above).
4. Contractor/Subcontractor may demonstrate compliance by:
  - a. Committing to employ section 3 residents as 30 percent of the aggregate number of new hires.
  - b. Committing to contract with section 3 business concerns as 10 percent of the total dollar amount of all Section 3 covered contracts for work arising in connection with housing rehabilitation, housing construction and other public construction.

Section 3 covered contracts do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

5. Record keeping/reporting:

Reports on HUD Form 60002 are to be submitted at the completion of the project or annually as of June 30th.

## **Examples of records Contractors/Subcontractors should maintain to show activity and results under Section 3.**

1. Copies of advertisements for training and employment opportunities;
2. Lists of Section 3 residents who inquired about or actually applied for training or employment opportunities;
3. Copies of any procurement procedures conducted by the recipient;
4. Any evidence that, to the greatest extent feasible, steps have been taken to include Section 3 business concerns in opportunities arising from Section 3 - related activities;
5. Copies of strategies designed to implement Section 3, including records of solicitation mailing lists and direct solicitations of bids or proposals;
6. Records of bid evaluations and selections;
7. Copies of notifications of awards to grantees and contractors;
8. Documentation of pre-construction conferences;
9. Copies of letters to community organizations related to Section 3 recruiting or business development;
10. Photographs of signs or notices posted for Section 3 recruiting or business development;
11. Record of income levels of persons hired;
12. Documentation and correspondence concerning Section 3-related complaints; and
13. Records of contact made with unions or contractor's associations.

## **Fiscal Year 2004 Median Income Family Limits Wichita, Kansas**

PROGRAM	<b>1 Person</b>	<b>2 Persons</b>	<b>3 Persons</b>	<b>4 Persons</b>	<b>5 Persons</b>	<b>6 Persons</b>	<b>7 Persons</b>	<b>8 Persons</b>
<b>30% of Median</b>	\$12,400	\$14,150	\$15,950	\$17,700	\$19,100	\$20,550	\$21,950	\$23,350
<b>50% of Median</b>	\$20,650	\$23,600	\$26,550	\$29,500	\$31,850	\$34,200	\$36,600	\$38,950
<b>80% of Median</b>	\$33,050	\$37,750	\$42,500	\$47,200	\$51,000	\$54,750	\$58,550	\$62,300

**and Very Low-Income Persons  
in Connection with Assisted Projects**

**and Urban Development  
Office of Fair Housing and  
Equal Opportunity**

(exp 4/30/??)

**HUD Act of 1968, Section 3**

Public Reporting Burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget Paperwork Reduction Project (2529-0043), Washington D.C. 20503. Do not send this completed form to either of these addressees.

1. Recipient Name & Address: (Street, City, State, Zip)	2. Federal Identification: (Contract/Award No.)    3. Dollar Amount of Award
	4. Contact Person: <span style="float: right;">5. Phone: (Include Area Code)</span>
	6. Reporting Period: <span style="float: right;">7. Date Report Submitted:</span>
8. Program Code: [            ] (Use a separate sheet for each Program code)	

**Part I: Employment and Training** (\*include New Hires in columns C and D.)

A Total New Hires by Job Category	B % of Aggregate New Hires that are Section 3 Residents	C % of total staff hours for Section 3 Employees and Trainees*	D Number of Section 3 Employees and Trainees*	E Racial/Ethnic Code(s) For Columns D and E, show Numbers				
				1	2	3	4	5
Professionals								
Technicians								
Office/Clerical								
Construction by Trade (List)								
Trade:								
Trade:								
Trade:								
Trade:								
Trade:								
Other: (List)								
Total:								

**Racial/Ethnic Codes:**

- 1 - White American
- 2 - Black American
- 3 - Native American
- 4 - Hispanic American
- 5 - Asian Pacific American
- 6 - Hasidic Jews (For Part II only)

**Program Codes:**

- 1 - Flexible Subsidy
- 2 - Section 202/811
- 3 - Public/Indian Housing Development,  
Operation and Modernization
- 4 - Homeless Assistance
- 5 - HOME

- 6 - HOME - State Administered
- 7 - CDBG - Entitlement
- 8 - CDBG - State Administered
- 9 - Other CD Programs
- 10 - Other Housing Programs



Contracts Awarded:

1. Construction Contracts:

A. Total dollar amount of all contracts awarded on the project

\$

B. Total dollar amount of contracts awarded to Section 3 businesses

\$

C. Percentage of the total dollar amount that was awarded to Section 3 businesses

%

D. Total number of Section 3 businesses receiving contracts

E. Enter the number of Section 3 businesses receiving contracts by Racial/Ethnic code(s) (see page 1 for codes)

1  2  3  4  5  6

2. Non-Construction Contracts:

A. Total dollar amount of all non-construction contracts awarded on the project/activity

\$

B. Total dollar amount of non-construction contracts awarded to Section 3 businesses

\$

C. Percentage of the total dollar amount that was awarded to Section 3 businesses

%

D. Total number of Section 3 businesses receiving non-construction contracts

E. Enter the number of Section 3 businesses receiving non-construction contracts by Racial/Ethnic code(s) (see page 1 for code)

1  2  3  4  5  6

**Part III: Summary**

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low- and very low- income person, particularly those who are recipients of government assistance for housing. (Check all that apply.)

\_\_\_\_\_ Attempted to recruit low-income residents through: local advertising media, signs prominently displayed at the project site, contacts with community organizations and public or private agencies operating within the metropolitan area (or non-metropolitan county) in which the Section 3 covered program or project is located, or similar methods.

\_\_\_\_\_ Participated in a HUD program or other program which promotes the training or employment of Section 3 residents.

\_\_\_\_\_ Participated in a HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 business concerns.

\_\_\_\_\_ Coordinated with Youthbuild Programs administered in the metropolitan area in which the Section 3 covered project is located.

\_\_\_\_\_ Other: describe below. \_\_\_\_\_

## Economic Opportunities for Low- and Very Low - Income Persons

Housing and Urban Development Act of 1968, Section 3

**Instructions:** This form is to be used to report annual accomplishments regarding employment, training and contracting opportunities provided to low- and very low- income persons under Section 3 of the Housing and Urban Development Act of 1968. The Section 3 regulations apply to any **public and Indian Housing programs** that receive: (1) development assistance pursuant to Section 5 of the U.S. Housing Act of 1937; (2) operating assistance pursuant to Section 9 of the U.S. Housing Act of 1937; or (3) modernization grants pursuant to Section 14 of the U.S. Housing Act of 1937 and to **recipients of housing and community development assistance in excess of \$200,000** expended for: (1) housing rehabilitation (including reduction and abatement of lead-based paint hazards); (2) housing construction; or (3) other public construction projects; and to **contracts and subcontracts in excess of \$100,000** awarded in connection with the Section 3 - covered activity.

Form HUD-60002 has three parts which are to be completed for all programs covered by Section 3. Part I relates to **employment and training**, Part II of the form relates to **contracting**, and Part III summarizes recipients' **efforts** to comply with Section 3.

Recipients or contractors subject to Section 3 requirements must maintain appropriate documentation to establish that HUD financial assistance for housing and community development programs were directed toward low-and very low-income persons.\* A recipient of Section 3 covered assistance shall submit two copies of this report to the local HUD Field Office. Where the program providing assistance requires an annual performance report, this Section 3 report is to be submitted with the program performance report. Where an annual performance report is not required, this Section 3 report is to be submitted by January 10 and, if the project ends before December 31, within 10 days of project completion. **Only Prime Recipients are required to report to HUD. The report must include accomplishments of all recipients and their Section 3 covered contractors and subcontractors.**

1. Recipient: Enter the name and address of the recipient submitting this report.
2. Federal Identification: Enter the number that appears on the award form (with dashes). The award may be a grant, cooperative agreement or contract.
3. Dollar Amount of Award: Enter the dollar amount, rounded to the nearest dollar, received by the recipient.
- 4&5. Contact Person/Phone: Enter the name and telephone number of the person with knowledge of the award and the recipient's implementation of Section 3.
6. Reporting Period: Indicate the time period (months and year) this report covers.
7. Date Report Submitted: Enter the appropriate date.
8. Program Code: Enter the appropriate program code as listed at the bottom of the page.

### Part I: Employment and Training Opportunities

**Block A:** Contains various job categories. Professionals are defined as people who have special knowledge of an occupation (i.e. supervisors, architects, surveyors, planners, and computer programmers). For construction positions, list each trade and provide data in columns B through F for each trade where persons were employed. The category of "Other" includes occupations such as service workers.

**Block B:** Enter the percentage of all the new hires (Section 3 residents) in connection with this award. New Hires include full-time positions (permanent, temporary and seasonal).

**Block C:** Enter the percentage of the total staff hours worked for Section 3 employees and trainees (including new hires) connected with the award. Include staff hours for part-time and full-time positions.

**Block D:** Enter the number of Section 3 residents that were hired and trained in connection with this award.

**Block E:** Enter under each racial/ethnic code (1-5) the number employees and trainees recorded in columns D and E.

### Part II: Contract Opportunities

#### Block 1: Construction Contracts

Item A: Enter the total dollar amount of all contracts awarded on this project/program.

Item B: Enter the total dollar amount of contracts connected with this project/program that were awarded to Section 3 businesses.

Item C: Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

Item D: Enter the number of Section 3 businesses receiving awards. Indicate the appropriate racial/ethnic code(s).

Item E: Enter under each racial/ethnic code (1-6) the number of employees and trainees recorded in item D.

#### Block 2: Non-Construction Contracts

Item A: Enter the total dollar amount of all contracts awarded on this project/program.

Item B: Enter the total dollar amount of contracts connected with this project awarded to Section 3 businesses.

Item C: Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

Item D: Enter the number of Section 3 businesses receiving awards. Indicate the appropriate racial/ethnic code(s).

Item E: Enter under each racial/ethnic code (1-6) the number of employees and trainees recorded in Item D.

### Part III: Summary of Efforts - Self-explanatory

Submit two (2) copies of this report to your local HUD Field Office within ten (10) days after the end of the reporting period you specified in item 6. Include only contracts executed during this reporting period. PHAs/IHAs are to report all contracts/subcontracts.

\*The terms "low-income persons" and "very low-income persons" have the same meanings given the terms in section 3(b)(2) of the United States Housing Act of 1937. **Low-income persons** mean families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary's findings such that variations are necessary because of prevailing levels of construction costs or unusually high- or low-income families. **Very low-income persons** mean low-income families (including single persons) whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

# How to Complete Payroll Forms

(front section)

U.S. DEPARTMENT OF LABOR WAGE AND HOUR DIVISION <b><u>“Enter Tax Identification Number on First Payroll”</u></b>			PAYROLL (For Contractor’s Optional Use; See Instruction, Form WH-347)			Form Approved. Budget Bureau No. 44-R1093																																																																																																																																															
NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/> <b><u>Enter Name of Company</u></b> <b><u>(Check correct box)</u></b>				ADDRESS <b><u>Enter Address of Company</u></b>																																																																																																																																																	
PAYROLL NO.		FOR WEEK ENDING <b><u>Enter Date</u></b>		PROJECT AND LOCATION		PROJECT OR CONTRACT NO.																																																																																																																																															
<p>Payroll must be numbered sequentially. Write the word “FINAL” after the number on your last payroll.</p> <p>Enter days and week work was performed</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="3" style="width: 15%;">(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE</th> <th rowspan="3" style="width: 3%;">NO. OF WITHHOLDING EXEMPTIONS</th> <th rowspan="3" style="width: 10%;">(3) WORK CLASSIFICATION</th> <th rowspan="3" style="width: 3%;">ST OR OT</th> <th style="width: 3%;">W</th> <th style="width: 3%;">T</th> <th style="width: 3%;">F</th> <th style="width: 3%;">S</th> <th style="width: 3%;">S</th> <th style="width: 3%;">M</th> <th style="width: 3%;">T</th> <th rowspan="3" style="width: 5%;">TOTAL HOURS</th> <th rowspan="3" style="width: 5%;">RATE OF PAY</th> <th rowspan="3" style="width: 5%;">GROSS AMOUNT EARNED</th> <th colspan="6" style="width: 25%;">(8) DEDUCTIONS</th> <th rowspan="3" style="width: 5%;">(9) NET WAGES PAID FOR WEEK</th> </tr> <tr> <th>13</th> <th>14</th> <th>15</th> <th>16</th> <th>17</th> <th>18</th> <th>19</th> <th>FICA</th> <th>WITH- HOLDING TAX</th> <th>STATE TAX</th> <th>HEALTH</th> <th>OTHER PENSION</th> <th>TOTAL DEDUCTIONS</th> </tr> <tr> <th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th> </tr> </thead> <tbody> <tr> <td rowspan="2" style="text-align: left; padding: 5px;">Lee Buskey 715 Washington Place Baltimore, MD 238668864</td> <td rowspan="2"></td> <td rowspan="2" style="text-align: center; padding: 5px;">Mason</td> <td style="text-align: center; padding: 5px;">O</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>8</td> <td>8</td> <td>15.00</td> <td rowspan="2" style="text-align: center; padding: 5px;">520.00</td> <td rowspan="2" style="text-align: center; padding: 5px;">42.00</td> <td rowspan="2" style="text-align: center; padding: 5px;">36.24</td> <td rowspan="2" style="text-align: center; padding: 5px;">4.50</td> <td rowspan="2" style="text-align: center; padding: 5px;">2.62</td> <td rowspan="2" style="text-align: center; padding: 5px;">1.31</td> <td rowspan="2" style="text-align: center; padding: 5px;">85.67</td> <td rowspan="2" style="text-align: center; padding: 5px;">434.33</td> </tr> <tr> <td style="text-align: center; padding: 5px;">S</td> <td>8</td><td>8</td><td>8</td><td>8</td><td></td><td>8</td><td></td> <td>40</td> <td>10.00</td> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> <td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> <td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td> <td></td> <td></td> <td colspan="3" style="text-align: left; padding: 5px;">           Straight Time            ✓ Hours worked on                              this contract up to                              40 per week            ✓ Total straight time         </td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> <td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>									(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	ST OR OT	W	T	F	S	S	M	T	TOTAL HOURS	RATE OF PAY	GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK	13	14	15	16	17	18	19	FICA	WITH- HOLDING TAX	STATE TAX	HEALTH	OTHER PENSION	TOTAL DEDUCTIONS														Lee Buskey 715 Washington Place Baltimore, MD 238668864		Mason	O							8	8	15.00	520.00	42.00	36.24	4.50	2.62	1.31	85.67	434.33	S	8	8	8	8		8		40	10.00																																				Straight Time ✓ Hours worked on this contract up to 40 per week ✓ Total straight time																											
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Address and social security number  
Are required...

- ✓ The first time the worker’s name appears on the payroll
- ✓ Whenever the employee moves to a new address

Fill the classification exactly as it appears on the determination.

If classification is for a power equipment operator, indicate type, size, horsepower.

Enter gross, each deduction; And net. Check you figures; subtract the total amount withheld from the total gross. The answer should equal the Total in Column 9

PAYROLL  
(For Contractor’s Optional Use; See Instructions, Form WH-347 Inst.)

NAME OF CONTRACTOR		<input type="checkbox"/>		OR SUBCONTRACTOR		<input type="checkbox"/>		ADDRESS												
PAYROLL NO.		FOR WEEK ENDING						PROJECT AND LOCATION				PROJECT OR CONTRACT NO.								
(1)  NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2)  NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT. OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7)  GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9)  NET WAGES PAID FOR WEEK	
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Date October 1, 2000

I, Paul A. Johnson, Owner  
(Name of signatory party) (Title)

Do hereby state:

(1) That I pay or supervise the payment of the persons employed Johnson  
by \_\_\_\_\_

Construction Company on the Street, Curb & Gutter Phase B  
(Contractor or subcontractor) (Building or work)

\_\_\_\_\_ ; that during the payroll period commencing on the 13

day of October 20 00 and ending the October Day of 19, 20 00

all persons employed on said project have been paid the full weekly wages earned, that no rebates have or will be made either directly or indirectly to or on behalf of said

Johnson Construction Company from the full  
(Contractor or subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act. As amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 357; 40 U.S.C. 276c), and described below:

Health

Pension

Union Dues

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeships and Training, United States Department of Labor.

(4) That: **Carpenters**

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☒ In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
Remarks	

Name and Title <b>(This person must be authorized to sign payrolls)</b> Paul A. Johnson, Owner	Signature
--	-----------

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENT MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

STATEMENT OF COMPLIANCE – FORM WH-348

Date \_\_\_\_\_

I, \_\_\_\_\_, \_\_\_\_\_  
(Name of signatory party) (Title)

Do hereby state:

(1) That I pay or supervise the payment of the persons employed  
by \_\_\_\_\_

\_\_\_\_\_ on the \_\_\_\_\_  
(Contractor or subcontractor) (Building or work)

\_\_\_\_\_ ; that during the payroll period commencing on the \_\_\_\_\_

day of \_\_\_\_\_ 20 \_\_\_\_ ,And ending the \_\_\_\_\_ Day of \_\_\_\_\_ ,20 \_\_\_\_  
all persons employed on said project have been paid the full weekly wages earned, that no  
rebates have or will be made either directly or indirectly to or on behalf of said

\_\_\_\_\_ from the full  
(Contractor or subcontractor)

weekly wages earned by any person and that no deductions have been made either directly  
or indirectly from the full wages earned by any person, other than permissible deductions  
as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor  
under the Copeland Act. As amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 357; 40 U.S.C.  
276c), and described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) That any payrolls otherwise under this contract required to be submitted for the  
above period are correct and complete; that the wage rates for laborers or mechanics  
contained therein are not less than the applicable wage rates contained in any wage  
determination incorporated into the contract; that the classifications set forth therein for  
each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide  
apprenticeship program registered with a State apprenticeship agency recognized by the  
Bureau of Apprenticeship and Training, United States Department of Labor, or if no such  
recognized agency exists in a State, are registered with the Bureau of Apprenticeships and  
Training, United States Department of Labor.

(4) That:

(d) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS,  
FUNDS, OR PROGRAMS

☐ In addition to the basic hourly wage rates paid to each laborer or  
mechanic listed in the above referenced payroll, payments of fringe  
benefits as listed in the contract have been or will be made to appropriate  
programs for the benefit of such employees, except as noted in Section  
4(c) below.

(e) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ Each laborer or mechanic listed in the above referenced payroll has  
been paid, as indicated on the payroll, an amount not less than the sum of  
the applicable basic hourly wage rate plus the amount of the required  
fringe benefits as listed in the contract, except as noted in Section 4(c)  
below

(f) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
Remarks	
Name and Title	Signature
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENT MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	

STATEMENT OF COMPLIANCE – FORM WH-348

## INSTRUCTIONS FOR PREPARATION OF STATEMENT OF COMPLIANCE

This statement of compliance meets needs resulting from the amendment of the Davis-Bacon Act to include fringe benefits provisions. Under this amended law, the contractor is required to pay fringe benefits as predetermined by the Department of Labor, in addition to payment of minimum rates. The contractor's obligation to pay fringe benefits may be met by payment of the fringes to the various plans, funds, or programs or by making these payments to the employees as cash in lieu of fringes.

The contractor should show on the face of his payroll all monies paid to the employees whether as basic rates or as cash in lieu of fringes. The contractor shall represent in the statement of compliance that he is paying to others fringes required by the contract and not paid as cash in lieu of fringes. Detailed instructions follow:

### Contractors who pay all required fringe benefits:

A contractor who pays fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of Labor shall continue to show on the face of his payroll the basic cash hourly rate and overtime rate paid to his employees, just as he has always done. Such a contractor shall check paragraph 4(a) of the statement to indicate that he is also paying to approved plans, funds, or programs not less than the amount predetermined as fringe benefits for each craft. Any exception shall be noted in Section 4(c).

### Contractors who pay no fringe benefits:

A contractor who pays no fringe benefits shall pay to the employee and insert in the straight time hourly rate column of his payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the applicable wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringes, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on the basic or regular rate plus the required cash in lieu of fringes at the straight time rate. To simplify computation of overtime, it is suggested that the straight time basic rate and cash in lieu of fringes be separately stated in the hourly rate column, thus \$3.25/.40. In addition, the contractor shall check paragraph 4(b) of the statement to indicate that he is paying fringe benefits in cash directly to his employees. Any exceptions shall be noted in Section 4(c).

### Use of Section 4(c), Exceptions

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the employees as cash in lieu of fringes. Any exceptions to Section 4(a) or 4(b), whichever the contractor may check, shall be entered in Section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid the employees as cash in lieu of fringes, and the hourly amount paid to plans, funds, or programs as fringes.

## CHAPTER 2 HOW TO COMPLY WITH LABOR STANDARDS AND PAYROLL REPORTING REQUIREMENTS

**WHERE TO START?** Now that you know you're on a Davis-Bacon project and you know some of the legal and practical implications, what's next?

### SECTION I THE BASICS

**2-1 THE WAGE DECISION.** Davis-Bacon labor standards stipulate the wage payment requirements for *Carpenters, Electricians, Plumbers, Roofers, Laborers, and other construction work classifications* that may be needed for the project. The ***Davis-Bacon wage decision*** that applies to the project contains a schedule of work classifications and wage rates that must be followed. If you don't have it already (and by now you should), you'll want to get a copy of the applicable ***Davis-Bacon wage decision***.



Remember, the wage decision is contained in the contract specifications along with the labor standards clauses. See ¶1-3, *Construction Contract Provisions*.

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a. **The work classifications and wage rates.** A Davis-Bacon wage decision is simply a listing of different work classifications and the minimum wage rates that must be paid to anyone performing work in those classifications. You'll want to make sure that the work classification(s) you need are contained in the wage decision and make certain you know exactly what wage rate(s) you will need to pay. Some wage decisions cover several counties and/or types of construction work (for example, residential and commercial work) and can be lengthy and difficult to read. Contact the *contract administrator* (HUD Labor Relations field staff or local agency staff) if you have any trouble reading the wage decision or finding the work classification(s) you need.



To make reading lengthy wage decisions easier for you, the contract administrator may prepare a Project Wage Rate Sheet. This Sheet is a one-page transcript that will show only the classifications and wage rates for a particular project. Contact the contract administrator monitoring your project for assistance with a Project Wage Rate Sheet.

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b. **Posting the wage decision.** If you are the prime contractor, you will be responsible for posting a copy of the wage decision (or the Project Wage Rate Sheet) and a copy of a DOL poster called *Notice to Employees* at the job site in a place that is easily accessible to all of the construction workers employed at the project and where the wage decision and poster won't be destroyed by wind or rain, etc. The *Notice to Employees* poster is also available with Spanish text.

**2-2 ADDITIONAL "TRADE" CLASSIFICATIONS AND WAGE RATES. What if the work classification you need isn't on the wage decision?** If the work classification(s) that you need doesn't appear on the wage decision, you will need to request an ***additional classification and wage rate***. This process is usually very simple and you'll want to start the request right away. Basically, you identify the classification you need and recommend a wage rate for DOL to approve for the project. There are a few rules about additional classifications; you'll find these rules in the DOL regulations, Part 5, and in the labor clauses in your contract. The rules are summarized for you here:

a. **Additional classification rules.** Additional classifications and wage rates can be approved if:

- 1) The requested classification is used by construction contractors in the area of the project. (The area is usually defined as the *county* where the project is located).
- 2) The work that will be performed by the requested classification is not already performed by another classification that is already on the wage decision. (In other words, if there already is an Electrician classification and wage rate on the wage decision you can't request another Electrician classification and rate.)
- 3) The proposed wage rate for the requested classification "fits" with the other wage rates already on the wage decision. (For example, the wage rate proposed for a trade classification such as Electrician must be at least as much as the lowest wage rate for other trade classifications already contained in the wage decision.) And,



4) The workers that will be employed in the added classification (if it is known who the workers are/will be), or the workers' representatives, must agree with the proposed wage rate.

b. **Making the request.** A request for additional classification and wage rate must be made in writing through the contract administrator. (If the contract administrator is a local agency, the agency will send the request to the HUD Labor Relations staff.) If you are a subcontractor, your request should also go through the prime contractor. All you need to do is identify the work classification that is missing and recommend a wage rate (usually the rate that employer is already paying to the employees performing the work) for that classification. You may also need to describe the work that the new classification will perform.

c. **HUD review.** The HUD Labor Relations field staff will review the requested classification and wage rate to determine whether the request meets the DOL rules outlined in paragraph 2-2(a), above. If additional information or clarification is needed, the staff will contact the prime contractor (or contract administrator for local agency projects) for more information, etc. If the Labor Relations review finds that the request meets the rules, the staff will give preliminary approval on the request and refer it to the DOL for final approval. The staff will send to you a copy of the preliminary approval/referral letter to the DOL.

If the HUD Labor Relations staff doesn't think the request meets the rules and if agreement can't be reached on the proper classification or wage rate for the work described, the HUD Labor Relations staff will *not* approve the request. In this case, the staff will send your request to the DOL with an explanation why HUD believes that the request shouldn't be approved. The DOL still has final decision authority. You will receive a copy of the disapproval/referral letter to the DOL.

d. **DOL decision.** The DOL will respond to HUD Labor Relations in writing about the additional classification and wage rate request. HUD Labor Relations will notify you of the DOL decision in writing. If the DOL approves the request, the prime contractor must post the approval notice on the job site with the wage decision.

If the DOL *does not* approve the request, you will be notified about what classification and wage rate should be used for the work in question. You will also receive instructions about how to ask for DOL reconsideration if you still want to try to get your recommendation approved.



It's always a good idea to talk to the contract administrator before submitting an additional classification and wage rate request. The contract administrator can offer suggestions and advice that may save you time and increase the likelihood that DOL will approve your request. Usually, the contract administrator can give you an idea about what the DOL will finally decide.

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2-3 **CERTIFIED PAYROLL REPORTS.** You'll need to submit a weekly-certified payroll report beginning with the first week that your company works on the project and for every week afterward until your firm has completed its work. It's always a good idea to number the payroll reports beginning with #1 and to clearly mark your last payroll for the project "Final."

a. **Payroll formats.** The easiest form to use is DOL's WH-347, *Payroll*. A sample copy of the WH-347 is included in the back of this Guide. Also, the contract administrator can provide a few copies of the WH-347 that you can reproduce.

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You are *not required* to use Payroll Form WH-347. You are welcome to use any other type of payroll, such as computerized formats, as long as it contains all of the information that is required on the WH-347.

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b. **Payroll certifications.** The weekly payrolls are called *certified* because each payroll is signed and contains language certifying that the information is true and correct. The payroll *certification* language is on the reverse side of the WH-347. If you are using another type of payroll format you may attach the certification from the back of the WH-347, or you can use the WH-348, *Statement of Compliance* (same certification language as on WH-347), or any other format which contains the same certification language on the WH-347 (reverse) or WH-

348. A copy of the WH-348 is included in the back of this Guide. Copies of the WH-348 are also available from the contract administrator.

c. **"No work" payrolls.** "No work" payrolls may be submitted whenever there is a temporary break in your work on the project. (See *Tip Box, below, for "no work" payroll exemption!*) For example, if your firm is not needed on the project right now but you will be returning to the job in a couple of weeks. However, if you know that your firm will not be working on the project for an extended period of time, you may wish to send a short note to the contract administrator to let them know about the break in work and to give an approximate date when your firm will return to the project. If you send a note, you *do not* need to send "no work" payrolls.

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☺ If you number your payroll reports consecutively, you *do not* need to submit "no work" payrolls!

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d. **Payroll review and submission.** The prime contractor should **review** each subcontractor's payroll reports for compliance *prior* to submitting the reports to the contract administrator. Remember, the prime contractor is responsible for the full compliance of all subcontractors on the contract and will be held accountable for any wage restitution that may be found due to any laborer or mechanic that is underpaid *and* for any liquidated damages that may be assessed for overtime violations. All of the payroll reports for any project must be submitted to the contract administrator *through* the prime contractor.

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☺ An alert prime contractor that reviews subcontractor payroll submissions can detect any misunderstandings early, prevent costly underpayments and protect itself from financial loss should underpayments occur.

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e. **Payroll retention.** Every contractor (including every subcontractor) must keep a complete set of their own payrolls and other basic records such as time cards, for a Davis-Bacon project for at least 3 years after the project is completed. The prime contractor must keep a complete set of all of the payrolls for every contractor (including subcontractors) for at least 3 years after completion of the project.

f. **Payroll inspection.** In addition to submitting payrolls to the contract administrator, every contractor (including subcontractors) must make their *own* copy of the payrolls available for review or copying to any authorized representative from HUD or from DOL.

2-4 **DAVIS-BACON DEFINITIONS.** Before we discuss how to complete the weekly payroll forms, we need to review a couple of definitions. These definitions can help you understand what will be required of you:


a. **Laborer or mechanic.** "Laborers" and "mechanics" mean anyone who is performing construction work on the project, including trade journeymen (carpenters, plumbers, sheet metal workers, etc.), apprentices, trainees and, for CWHSSA purposes, watchmen and guards. "Laborers" and "mechanics" are the two groups of workers that must be paid not less than Davis-Bacon wage rates.

1) **Working foremen.** Foremen or supervisors that regularly spend **more** than 20% of their time performing construction work are covered "laborers" and "mechanics" for labor standards purposes.

2) **Exclusions.** People whose duties are primarily administrative, managerial or clerical are not laborers or mechanics. For example, office staff, timekeepers, messengers, etc. (Contact the contract administrator if you have any questions about whether a particular employee is excluded.)


b. **Employee.** Every person who performs the work of a laborer or mechanic is "*employed*" regardless of any contractual relationship which may be alleged to exist between a contractor or subcontractor and such person. This means that even if there is a contract between a contractor and a worker, the contractor must make sure that the worker is paid at least as much as the wage rate on the wage decision for the classification of work they perform.

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 For more information about working subcontractors, ask the contract administrator or your HUD Labor Relations Field Staff for a copy of Labor Relations Letter LR-96-01, *Labor standards compliance requirements for self-employed laborers and mechanics.*

c. **Apprentices and trainees.** The only workers who can be paid less than the wage rate on the wage decision for their work classification are "apprentices" and "trainees" registered in approved apprenticeship or training programs, including *Step-Up* apprenticeship programs designed for Davis-Bacon construction work. Approved programs are those which have been registered with the DOL, Bureau of Apprenticeship and Training (BAT) or with a BAT-recognized State Apprenticeship Agency (SAC). Apprentices and trainees are paid wage rates in accordance with the wage schedule in the approved program.

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 Most often, the apprentice/trainee wage rate is expressed as a series of percentages tied to the amount of time spent in the program. For example, 0-6 months: 65%; 6 months - 1 year: 70%; etc. The percentage is applied to the journeyman's wage rate. On Davis-Bacon projects, the percentage must be applied to the journeyman's wage rate *on the applicable wage decision* for that craft.

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1) **Probationary apprentice.** A "probationary apprentice" can be paid as an apprentice (less than the rate on the wage decision) if the BAT or SAC has certified that the person is eligible for probationary employment as an apprentice.

2) **Pre-apprentice.** A "pre-apprentice", that is, someone who is not registered in a program and that hasn't been BAT- or SAC-certified for probationary apprenticeship is ***not*** considered to be an "apprentice" and must be paid the full journeyman's rate on the wage decision for the classification of work they perform.

3) **Ratio of apprentices and trainees to journeymen.** The maximum number of apprentices or trainees that you can use on the job site can not be more than the ratio of apprentices or trainees to journeymen allowed in the approved program.

d. **Prevailing wages or wage rates.** Prevailing wage rates are the wage rates listed on the wage decision for the project. The wage decision will list a minimum basic hourly rate of pay for each work classification. Some wage decisions include fringe benefits which are usually listed as an hourly fringe rate. If the wage decision includes a fringe benefit rate for a classification, you will need to add the fringe benefit rate to the basic hourly rate *unless* you provide bona fide fringe benefits for your employees.

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 ***Note*** that the *total* hourly wage rate paid to any laborer or mechanic (basic wage *or* basic wage plus fringe benefits) may be no less than the total wage rate (basic wage *or* basic wage plus fringe benefits) on the wage decision for their craft. If the value of the fringe benefit(s) you provide is less than the fringe benefit rate on the wage decision, you will need to add the balance of the wage decision fringe benefit rate to the basic rate paid to the employee. For example, if the wage decision requires \$10/hour basic rate plus \$5/hour fringe benefits, you must pay no less than that total (\$15/hour) in the basic rate *or* basic rate plus whatever fringe benefit you may provide.

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e. **Fringe benefits** include health insurance, retirement, life insurance, vacation and some contributions to training funds. Fringe benefits ***do not*** include employer payments or contributions required by other Federal, State or local laws, such as the employer's contribution to Social Security or some disability insurance payments.

f. **Site of work.** The "site of work" is where the Davis-Bacon wage rates apply. Usually, this means the boundaries of the project. "Site of work" can also include other adjacent or nearby property used by a contractor or subcontractor in the construction of the project, like a fabrication site.

g. **Overtime.** Overtime hours are defined as all hours worked on the site of the work in excess of 40 hours in any work week. Overtime hours must be paid at no less than one and one-half times the regular rate of basic pay plus the straight-time rate of any required fringe benefits.

h. **Deductions.** You may make payroll deductions as permitted by DOL Regulations 29 CFR Part 3. These regulations prohibit the employer from requiring employees to "kick-back" any of their earnings. Allowable deductions include employee obligations for income taxes, Social Security payments, insurance premiums, retirement, savings accounts, and any other legally-permissible deduction authorized by the employee. Deductions may also be made for payments on judgments and other financial obligations legally imposed against the employee.

i. **Proper designation of trade.** You must select a work classification on the wage decision for each worker based on the actual type of work he/she performed and you must pay each worker no less than the wage rate on the wage decision for that classification regardless of their level of skill. In other words, if someone is performing carpentry work on the project, they must be paid no less than the wage rate on the wage decision for Carpenters *even* if they aren't considered by you to be fully trained as a Carpenter. **Remember**, the only people who can be paid less than the rate for their craft is apprentices and trainees registered in approved programs.

1) **Split-classification.** If you have employees that perform work in more than one classification, you can pay the wage rates specified for each classification *only* if you maintain accurate time records showing the amount of time spent in each classification of work. If you do not maintain accurate time records, you must pay these employees the *highest* wage rate of all of the classifications of work performed.

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## SECTION II REPORTING REQUIREMENTS

2-5 **COMPLETING A PAYROLL REPORT.** What information has to be reported on the payroll form? The weekly payroll form doesn't ask for any information that you don't already need to keep for wage payment and tax purposes. For example, you need to know each employee's *name*, *address* and *social security number*; his or her *work classification* (who is working for you and what do they do?), the *hours worked* during the week, his or her *rate of pay*, the *gross amount earned* (how much did they earn?), the amounts of any *deductions* for taxes, etc., and the *net amount paid* (how much should the paycheck be made out for?). No more information than you need to know in order to manage your work crew and make certain they are paid properly. And, certainly, no more information than you need to keep for IRS, Social Security and other tax and employment purposes.



**FOR MOST CONTRACTORS, THE WEEKLY CERTIFIED PAYROLL IS ALL THE PAPERWORK THAT IS REQUIRED FOR A DAVIS-BACON PROJECT!**

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a. **Project and contractor/subcontractor information.** Each payroll should show the contractor or subcontractor's name and address, the project name and number, and the week ending date. Indicate the *dates* in the spaces provided. Numbering payrolls is optional but strongly recommended.

b. **Employee information.** The first payroll on which each employee appears must contain the employee's name, address and Social Security Number. Afterward, the address and Social Security Number only need to be reported if there is a change in this information.

c. **Work Classification.** Each employee must be classified in accordance with the wage decision based on the type of work they actually perform.

1) **Apprentices or Trainees.** The first payroll on which any apprentice or trainee appears must be accompanied by a copy of that apprentice's or trainee's registration in an approved program. A copy of the portions of the approved program pertaining to the wage rates and ratios shall also accompany the first CPR on which the first apprentice or trainee appears.

2) **Split classifications.** For employees in split classifications, list the employees once for each classification, distributing the hours of work accordingly, and reflecting the rate of pay and gross earnings for each classification. Deductions and net pay may be based upon the total gross amount earned for all classifications.

d. **Hours Worked.** The payroll should show **ONLY** the regular and overtime hours worked on this project. Show both the daily and total weekly hours for each employee. If an employee performs work at job sites other than the project for which the payroll is prepared, those "other job" hours *should not* be reported on the payroll. In these cases, you should list the employee's name, classification, hours for this project only, the rate of pay and gross earnings for this project, and the gross earned for *all projects*. Deductions and net pay may be based upon the employee's total earnings (for all projects) for the week.

e. **Rate of Pay.** Show the basic hourly rate of pay for each employee for this project. If the wage decision includes a fringe benefit and you **do not** participate in approved fringe benefit programs, **add** the fringe benefit rate to the basic hourly rate of pay. Also list the overtime rate if overtime hours were worked.



Remember, the overtime rate is computed at one and one-half times the *basic* rate of pay plus any fringe benefits. For example, if the wage decision requires \$10/hour basic plus \$5/hour fringe benefits, the overtime rate would be:  $(\$10 \times 1\frac{1}{2}) + \$5 = \$20/\text{hour}$ .

f. **Gross Wages Earned.** Show the gross amount of wages earned for work performed on this project. *Note:* For employees with work hours and earnings on other projects, you may show gross wages for this project over gross earnings all projects (for example, \$425.40/\$764.85) and base deductions and net pay on the "all projects" earnings.

g. **Deductions.** Show the amounts of any deductions from the gross earnings. "Other" deductions should be identified (for example, Savings Account or Loan Repayment). Any voluntary deduction (that is, not required by law or by an order of a proper authority) must be authorized in writing by the employee. A short note signed by the employee is all that is needed and should accompany the first payroll on which the other deduction appears.



Only one employee authorization is needed for recurring (e.g., weekly) other deductions. ☺ Written employee authorization is not required for income tax and Social Security deductions.



h. **Net Pay.** Show the net amount of wages paid.

i. **Statement of Compliance.** The Statement of Compliance is the certification. It is located on the reverse side of a standard payroll form (WH-347) or on form WH-348. Be sure to complete the identifying information at the top, particularly if you are attaching the Statement of Compliance to an alternate payroll form such as a computer payroll. Also, you must check either 4(a) or 4(b) if the wage decision contains a fringe benefit. Checking 4(a) indicates that you are paying required fringe benefits to approved plans or programs; and 4(b) indicates that you are paying any required fringe benefit amounts directly to the employee by adding the fringe benefit rate to the basic hourly rate of pay. If you are paying a portion of the required fringe benefit to programs and the balance directly to the employee, explain those differences in box 4(c).

j. **Signature.** Make sure the payroll is **signed** with an original signature. The payroll must be signed by a principal of the firm (owner or officer such as the President, Treasurer or Payroll Administrator) or by an authorized agent (a person authorized by a principal in writing to sign the payroll reports). Signature authorization (for persons other than a principal) should be submitted with the first payroll signed by such an agent.



Only one Statement of Compliance is required for each employer's weekly payroll no matter how many pages are needed to report the employee data.



**2-6 COMPLIANCE REVIEWS.** The contract administrator or other inspector may visit the project site and interview some of the workers concerning their employment on the project. In addition, the contract administrator will periodically review payrolls and related submissions, comparing the interview information to the payrolls, to ensure that the labor standards requirements have been met. The contract administrator will notify you if these reviews find any discrepancies or errors. You will be given instructions about what steps must be taken to correct any problems.

a. **On-site Interviews.** Every employer (contractor, subcontractor, etc.) must make his or her employees available for interview at the job site with the contract administrator or other agency representative, or HUD or DOL representative. The interviews are confidential and the employee will be asked about the kind of work they perform and their rate of pay. Every effort will be made to ensure that these interviews cause as little disruption as possible to the on-going work. The interviewer will record the interview information, usually on a form HUD-11, *Record of Employee Interview*, and forward the interviews to the contract administrator.

b. **Project payroll reviews.** The contract administrator will compare the information on the interview forms to the corresponding payrolls to ensure that the workers are properly listed on the payrolls for the days, work classification and rate of pay. The contract administrator will also review the payroll submissions to make certain that the payrolls are complete and signed; that employees are paid no less than the wage rate for the work classification shown; apprentice and trainee certifications are submitted (where needed); employee authorizations for other deductions are submitted (where needed); etc.

**2-7 TYPICAL PAYROLL ERRORS AND REQUIRED CORRECTIONS.** The following paragraphs describe common payroll errors and the corrective steps you must take.

a. **Inadequate payroll information.** If the alternate payroll (such as a computer payroll) does not contain all of the information that would be on the optional form WH-347, the employer will be asked to resubmit the payrolls on an acceptable form.

b. **Missing addresses and Social Security Numbers.** If the first payroll on which an employee appears does not contain the employee's address and Social Security Number, the employer will be asked to supply the missing information. A short note providing the information is all that is needed.

c. **Incomplete payrolls.** If the information on the payroll is not complete, for example, if work classifications or rates of pay are missing, the employer will be asked to send a corrected payroll.

d. **Classifications.** If the payrolls show work classifications that do not appear on the wage decision, the employer will be asked to reclassify the employees in accordance with the wage decision *or* the employer may request an *additional classification and wage rate* (See paragraph 2-2). If reclassification results in underpayment (the wage rate paid on the payroll is less than the rate required for the new classification, the employer will be asked to pay *wage restitution* to all affected reclassified employees. (See paragraph 2-8 for instructions about wage restitution.)

e. **Wage Rates.** If the wage rates on the payroll are less than the wage rates on the wage decision for the work classification reported, the employer will be asked to pay wage restitution to all affected employees.

f. **Apprentices and trainees.** If a copy of the employee(s) registration or approved program ratio and wage schedule is not submitted with the first payroll on which an apprentice or trainee appears, the employer will be asked to submit a copy of each apprentice's or trainee's registration and/or the approved program ratio and wage schedule. If the ratio of apprentices or trainees to journeymen on the payroll is greater than the ratio in the approved program, the employer will be asked to pay wage restitution to any excess apprentices or trainees. Also, any apprentice or trainee that is *not* registered in an approved program must receive the journeyman's wage rate for the classification of work they performed.

g. **Overtime.** If the employees did not receive at least time and one-half for any overtime hours worked on the project, the following will occur:

1) If the project is subject to *CWHSSA overtime* requirements, the employer will be asked to pay wage restitution for all overtime hours worked on the project (overtime hours worked at other projects are not subject to CWHSSA). The employer may also be liable to the United States for liquidated damages computed at \$10 per day per violation. Or,

2) If the project is **not** subject to CWHSSA, the employer will be notified of the possible *FLSA overtime* violations. Also, the Labor Relations staff may refer the violations to the DOL for further review.

h. **Computations.** If the payroll computations (hours worked times rate of pay) or extensions (deductions, net pay) show frequent errors, the employer will be asked to take greater care. Wage restitution may be required if underpayments resulted from the errors.

i. **Deductions.** If there are any "Other" deductions that are not identified, or if employee authorization isn't provided, or if there is any unusual (very high, or large number) deduction activity, the employer will be asked to identify the deductions, provide employee authorization or explain unusual deductions, as necessary.

j. **Fringe benefits.** If the wage decision contains fringe benefits but the payroll does not indicate how fringe benefits were paid [neither 4(a) nor 4(b) is marked on the payroll form], the employer may be asked to submit corrected payrolls **and** will be required to pay wage restitution if underpayments occurred. *However*, if the basic hourly rates for the employees are at least as much as the total wage rate on the wage decision (basic hourly rate *plus* the fringe benefit rate), no correction is necessary.

k. **Signature.** If the payroll *Statement of Compliance* is not signed or is missing, the employer will be asked to submit a signed Statement of Compliance for each payroll affected.

l. **On-site interview comparisons.** If the comparison of on-site interviews to the payrolls indicates any discrepancies (for example, the employee does not appear on the payroll for the date of the interview), the employer will be asked to submit a corrected payroll report.

**2-8 RESTITUTION FOR UNDERPAYMENT OF WAGES.** Where underpayments of wages have occurred, the employer will be required to pay wage restitution to the affected employees. Wage restitution must be paid promptly in the full amounts due, less permissible and authorized deductions.

a. **Notification to the prime contractor.** The contract administrator will notify the prime contractor in writing of any underpayments that are found during payroll or other reviews. The notice will describe the underpayments and provide instructions for computing and documenting the restitution to be paid. The prime contractor is allowed 30 days to correct the underpayments. Note that the prime contractor is responsible to the contract administrator for ensuring that restitution is paid. If the employer is a subcontractor, the subcontractor will usually make the computations and restitution payments and furnish the required documentation through the prime contractor.

b. **Computing wage restitution.** Wage restitution is simply the difference between the wage rate paid to each affected employee and the wage rate required on the wage decision for all hours worked where underpayments occurred. The difference in the wage rates is called the *adjustment rate*. The adjustment rate times the number of hours involved equals the gross amount of restitution due.

c. **Correction payrolls.** The employer will be required to report the restitution paid on a correction certified payroll. The correction payroll will reflect the period of time for which restitution is due (for example, Payrolls #1 through #6; or a beginning date and ending date). The correction payroll will list each employee to whom restitution is due and their work classification; the total number of work hours involved (daily hours are usually not applicable for restitution); the adjustment wage rate (the difference between the required wage rate and the wage rate paid); the gross amount of restitution due; deductions and the net amount to be paid. A signed Statement of Compliance must be attached to the correction CPR.

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☺ Employers are no longer required to submit checks (certified or otherwise) to correct underpayments. Restitution payments are reported and certified by the employer on a correction payroll.

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d. **Employee signature.** Each employee who has received restitution signs the correction payroll as evidence of their receipt of the payment.

e. **Review of correction CPR.** The contractor administrator will review the correction payroll to ensure that full restitution was paid. The prime contractor shall be notified in writing of any discrepancies and will be required to make additional payments, if needed, documented on a supplemental correction payroll within 30 days.

f. **Unfound workers.** Sometimes, wage restitution can not be paid to an affected employee because, for example, the employee has moved and can't be located.

In these cases, at the end of the project the prime contractor will be required to place in a deposit or escrow account an amount equal to the total amount of restitution that could not be paid because the employee(s) could not be located. The contract administrator will continue to attempt to locate the unfound workers for 3 years after the completion of the project. After 3 years, any amount remaining in the account for unfound workers will be credited and/or forwarded by the contract administrator to HUD.



## Contractor Acknowledgment

**Project Name**

On the date indicated below, I attended a pre-construction conference as an authorized representative of  
Southwest Recreational Industries.

Contractor

At said pre-construction conference the Federal Labor Standards Provisions were explained, and copies of the following were provided:

1. Federal Labor Standards Provisions (Includes Davis Bacon, Contract Work Hours and Safety Standards Act, Copeland Act (Anti-Kickback Act), and Fair Labor Standards Act)
2. Wage Decision No. **HUD WAGE DETERMINATION** (To be posted on site)
3. Employee's Letter
4. Sample Payrolls (How to Complete Payroll Forms)
5. Pre-construction Checklist
6. Instructions for Preparation of Statement of Compliance
7. Assurance of Compliance with Section 3
8. Payroll Form (WH347)
9. Statement of Compliance (WH348)
10. Contractor's Certification
11. Certification Regarding Lobbying
12. Notice to Employees Poster (Contractor Only - to be posted on construction site)
13. Job Safety and Health Poster (Contractor Only - to be posted on construction site)
14. Section 3 Compliance Forms Packet (**Prime \$100,000, Subcontractor \$100,000**)
15. Grants Administration shall be notified immediately if the contractor or one of its subcontractors has a work classification being performed on this project that is not listed in the Wage Decision shown above.

I understand the Federal Labor Standards Provisions and agree that \_\_\_\_\_  
Contractor  
will fulfill its responsibilities thereunder.

\_\_\_\_\_  
Representative of Contractor

***Federal Tax I.D. Number*** \_\_\_\_\_

\_\_\_\_\_  
Date

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CONTRACTOR'S CERTIFICATION

**CONCERNING LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS**

TO *(Appropriate Recipient)*:

DATE

PROJECT NUMBER *(If any)*

C/O

PROJECT NAME

1. The undersigned, having executed a contract with \_\_\_\_\_

\_\_\_\_\_ for the construction of the above-identified project, acknowledges that:

- (a) The Labor Standards Provisions of The Contract For Construction are included in the aforesaid contract.
- (b) Correction of any infractions of the aforesaid conditions, including infractions by any of his subcontractors and any lower tier subcontractors, is his responsibility;

2. He certifies that:

- (a) Neither he nor any firm, corporation, partnership or association in which he has a substantial interest is designated as an ineligible contractor by the Comptroller General of the United States pursuant to Section 5.6(b) of the Regulations of the Secretary of Labor, Part 5 (29 CFR, Part 5), or pursuant to Section 3(a) of the Davis-Bacon Act, as amended (40 U.S.C. 276a02(a)).
- (b) No part of the aforementioned contract has been or will be subcontracted to any subcontractor if such subcontractor or any firm, corporation, partnership or association in which such subcontractor has a substantial interest is designated as an ineligible contractor pursuant to the aforesaid regulatory or statutory provisions.

3. He agrees to obtain and forward to the contractor, for transmittal to the recipient, within ten days after the execution of any lower subcontract, a Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, executed by the lower tier subcontractor, in duplicate.

4. He certifies that:

(a) The legal name and the business address of the undersigned are:

(b) The undersigned is:

(1) A SINGLE PROPRIETORSHIP:

(3) A CORPORATION ORGANIZED IN THE STATE OF:

(2) A PARTNERSHIP:

(4) OTHER ORGANIZATION *(Describe)*

(c) The name, title and address of the owner, partners or officers of the undersigned are:

NAME

TITLE

ADDRESS

(d ) The names and addresses of all other persons, both natural and corporate, having a substantial interest in the undersigned, and the nature of the interest are <i>(If none, so state):</i>		
NAME	ADDRESS	NATURE OF INTEREST

(e) The names, addresses and trade classifications of all other building construction contractors in which the undersigned has a substantial interest are <i>(If none, so state):</i>		
NAME	ADDRESS	TRADE CLASSIFICATION

\_\_\_\_\_

(Contractor)

Date \_\_\_\_\_

by \_\_\_\_\_

WARNING

U.S. Criminal Code, Section 1010, Title 18, U.S.C., provides in part: “Whoever...makes, passes, utters, or publishes any statement, knowing the same to be false...shall be fined not more than \$5,000 or imprisoned not more than two years, or both.”

PROJECT NAME: \_\_\_\_\_  
PROJECT NUMBER/OCA CODE: \_\_\_\_\_

**CERTIFICATION OF NONSEGREGATED FACILITIES**

(Applicable to contracts, subcontracts, and agreements with applicants who are themselves performing Federally assisted construction contracts, exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause.)

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR  
CERTIFICATIONS OF NONSEGREGATED FACILITIES**

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (33 F.R. 7808, May 28, 1968) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

\_\_\_\_\_  
Signature

Date \_\_\_\_\_

\_\_\_\_\_  
Name and Title of Signer (Please type)

**NOTE:** The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

*PROJECT NAME:* \_\_\_\_\_  
*PROJECT NUMBER/OCA CODE:* \_\_\_\_\_

**NOTICE TO LABOR UNIONS OR OTHER ORGANIZATIONS OR WORKERS  
NON-DISCRIMINATION IN EMPLOYMENT**

To:  
(name of union or organization or workers)

The undersigned currently holds contract(s) with \_\_\_\_\_(name of applicant) involving funds or credit of the U.S. Government or (a) subcontract(s) with a prime contractor holding such contract(s).

You are advised that under the provisions of the above contract(s) or subcontract(s) and in accordance with Executive Order 11246 as amended, the undersigned is obliged not to discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Affirmative action will be taken to ensure applicants are employed, and are treated during employment, without regard to race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

This notice is furnished you pursuant to the provisions of the above contract(s) or subcontract(s) and Executive Order 11246, as amended..

Copies of this notice will be posted by the undersigned in conspicuous places available to employees or applicants for employment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
/s/

\_\_\_\_\_  
(Contractor or subcontractor)

\_\_\_\_\_  
(Date)

# **CERTIFICATION REGARDING LOBBYING**

## **PROJECT NAME**

The successful bidder certifies, to the best of his or her knowledge and belief, that:

1. No federally appropriated funds have been paid or will be paid by or on behalf of the bidder, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or and employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, Standard Form-LLL, "Disclosure For to Report Lobbying", shall be completed and submitted in accordance with its instructions; and
3. The language of this certification shall be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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Company

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Signature

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Date

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Name and Title of Signer ( Please Print or Type)

# Contractor/Subcontractor Checklist

1. The Contractor and Subcontractor Certification forms provided in the packet must be filled out and turned in before construction starts.
2. The general contractor is responsible for subcontractor compliance with federal labor standards provisions and required submittals.
3. The contractor shall notify Grants Coordination (268-4367) of the construction start date.
4. Time on the job for each contractor/subcontractor is to be accounted for from initial work on the job until work is finished.
  - a. Weekly payrolls are to be submitted within one week after completion of the work week.
  - b. The first payroll for a contractor/subcontractor (when work starts) is to be marked Payroll No. 1 in the box provided on the payroll form. Each week, thereafter, a payroll form is to be submitted, and numbered in sequence from the previous payroll. If there is no work during a work week after work is first begun, a payroll may be submitted with the top portion completed, and the notation in large letters across the lower part of the form of "No Work This Week".
  - c. An employee's address and social security number is to be shown on the first payroll.
  - d. The contractor/subcontractor Federal Tax Identification number is to shown in the upper left hand corner of the first payroll.
5. Payrolls are to be signed in ink by the owner or an officer of the firm shown on the completed Contractor/Subcontractor Certification form. Someone else may sign the Statement of Compliance only if the owner or an officer of the company provides written authorization to Grants Coordination, Controller's Office, 12th Floor, City Hall, 455 North Main, Wichita, KS 67202.
  - a. Only one copy of the payroll is required to be submitted.
  - b. All payrolls are to be submitted through the prime contractor.
6. If an apprentice is included on a payroll, written evidence is to be submitted that they are individually registered in a bona fide apprenticeship program registered with the Department of Labor (DOL) or State Apprenticeship Agency recognized by the DOL. Local union certification will not suffice. Written evidence is to be submitted to Grants Coordination.
7. If fringe benefits are part of the wage decision, the Statement of Compliance must indicate whether fringe benefits are paid to an approved plan or program, or paid in cash. See instructions provided in the pre-construction conference packet regarding how to complete the Statement of Compliance. Call Grants Coordination (268-4367) if you have questions about eligible fringe benefits, or how to calculate.
8. A working contractor with no employees must show name, address, social security number, hours worked and job classification on the payroll. Note that you are a "Self-Employed Owner".
9. Work normally paid as "piece work" such as fencing and carpet layers, must be translated to a per hour rate and shown as an hourly rate on the payroll.